

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NOLEN SCOTT ELY, et al., : Civil No. 3:09-CV-2284

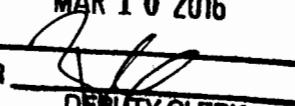
Plaintiffs : (Magistrate Judge Carlson)

v. :

CABOT OIL & GAS CORP., :

Defendant :

VERDICT

FILED
SCRANTON
MAR 10 2016
PER 
DEPUTY CLERK

Preliminary Instructions

In answering these questions, you are to follow the instructions I have given to you in the instructions that I read to you at the conclusion of the trial. Your answers to each question must be unanimous.

As used herein, "the Plaintiffs" refers to Plaintiffs Nolen Scott Ely, Monica Marta-Ely, Jared Ely, Jessica Ely, Justin Ely, Raymond Hubert, Victoria Hubert, and Hope Hubert.

"Cabot" refers to Defendant Cabot Oil & Gas Corporation.

"The Ely Property" refers to the approximately 8.28 acres of land, including the improvements and water wells thereon, owned by Nolen Scott Ely and Monica Marta-Ely that abuts Carter Road in Dimock Township, Susquehanna County, Pennsylvania.

“The Gesford Wells” refers to Cabot’s Gesford 3S Well and Cabot’s Gesford 3 Well (which was later renamed and completed as the Gesford 9DD well).

Question 1

Have the Plaintiffs proven by a preponderance of the evidence that Cabot was negligent in the drilling or completing of the Gesford Wells?

Answer “Yes” or “No”.

Answer: YES

If you answered “Yes” to Question 1, then answer the following question. Otherwise, do not answer any further questions. Instead, the foreperson should sign the verdict form and return it to the Court.

Question 2

Have the Plaintiffs proven by a preponderance of the evidence that in the drilling or completion of the Gesford Wells Cabot negligently created a private nuisance which significantly harmed any of the Plaintiffs in their use and enjoyment of the property by contaminating the water well(s) on the Ely Property?

Answer “Yes” or “No” as to each of the Plaintiffs below.

a. Nolen Scott Ely

Answer: YES

b. Monica Marta-Ely

Answer: YES

c. Jared Ely

Answer: YES

d. Jessica Ely

Answer: YES

e. Justin Ely

Answer: YES

f. Raymond Hubert

Answer: YES

g. Victoria Hubert

Answer: YES

h. Hope Hubert

Answer: YES

If you answered "Yes" as to any of the Plaintiffs in Question 2, then answer the following question as to those Plaintiff(s) only. Otherwise, do not answer any further questions. Instead, the foreperson should sign the verdict form and return it to the Court.

Question 3

Only as to each Plaintiff for whom you answered "Yes" in Question 2, have the Plaintiff(s) proven by a preponderance of the evidence that the private nuisance created by Cabot was a legal cause of that Plaintiff's loss of use and enjoyment of the Ely Property?

Answer "Yes" or "No" as to each Plaintiff for whom you answered "Yes" in Question 2.

a. Nolen Scott Ely

Answer: YES

b. Monica Marta Ely

Answer: YES

c. Jared Ely

Answer: YES

d. Jessica Ely

Answer: YES

e. Justin Ely

Answer: YES

f. Raymond Hubert

Answer: YES

g. Victoria Hubert

Answer: YES

h. Hope Hubert

Answer: YES

If you answered "Yes" with respect to any of the Plaintiff(s) listed in this question, then as to those Plaintiff(s) answer the following question. If you have answered "No" as to all Plaintiffs do not answer the following question. Instead, the foreperson should sign the verdict form and return it to the Court.

Question 4

Only as to those Plaintiffs for whom you answered "Yes" in response to Question 2 and 3 what amount of money, if any, do you award as damages sustained by those Plaintiffs as a result of the private nuisance created by Cabot?

Answer in dollars and cents, if any, only as to those Plaintiffs for whom you answered "Yes" in response to Question 3.

a. Inconvenience and discomfort to Nolen Scott Ely.

Answer: \$ 1,300,000

b. Inconvenience and discomfort to Monica Marta-Ely.

Answer: \$ 1,300,000

a. Inconvenience and discomfort to Jared Ely.

Answer: \$ 50,000

b. Inconvenience and discomfort to Jessica Ely.

Answer: \$ 50,000

c. Inconvenience and discomfort to Justin Ely.

Answer: \$ 50,000

d. Inconvenience and discomfort to Raymond Hubert.

Answer: \$ 720,000

e. Inconvenience and discomfort to Victoria Hubert.

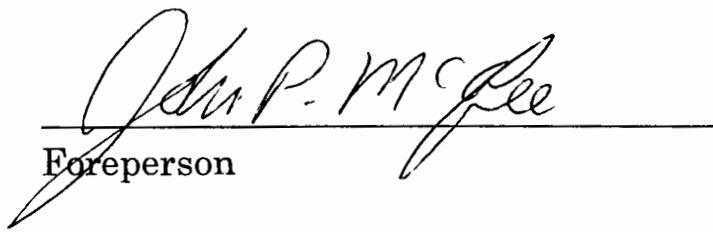
Answer: \$ 720,000

f. Inconvenience and discomfort to Hope Hubert.

Answer: \$ 50,000

Please have the foreperson date and sign below and advise the courtroom deputy that you have reached a verdict.

Date: 3/10/16


John P. McFee
Foreperson